

Julie Masters, Mayor  
Mark Townsend, Mayor Pro Tem  
Kerry Neves  
Mary Dunbaugh

# **MINUTES**

City of Dickinson  
**CITY COUNCIL**  
**MEETING**

Charles Suderman  
Louis Decker  
William H. King III  
Ivan Langford, City Administrator

**October 11, 2005**

A regular meeting of the City Council for the City of Dickinson, County of Galveston, State of Texas was held **TUESDAY, OCTOBER 11, 2005**, at 7:00 p.m. at: Dickinson City Hall, 2716 FM 517 East, Dickinson, Texas, for the purpose of considering the following numbered items.

**ITEM 1.) CALL TO ORDER**

Invocation, Pledge of Allegiance, Roll Call

Mayor Julie Masters was present along with Councilmember Suderman, Councilmember Dunbaugh, Councilmember Townsend, Councilmember Neves, Councilmember Decker and Councilmember King. Also present were City Attorney Scott Bounds, City Administrator Ivan Langford, City Secretary Rena Hardage, Angela Forbes, Police Chief Ron Morales and Court Administrator Irma Rivera.

**ITEM 2.) PROCLAMATIONS AND ANNOUNCEMENTS:**

The Mayor and all the council members commented positively on the City's debris clean-up effort after Hurricane Rita. City Administrator Ivan Langford stated the debris clean-up should be completed in two more weeks.

Appreciation of the partnership of the City of Dickinson, Galveston County and the community with the Moore's Subdivision Clean-up initiative scheduled for November 12<sup>th</sup>.

Condolences to the Pate family on the passing of Tinnie Nora Pate.

Appreciation to Galveston County for the mosquito spraying and debris pickup at Paul Hopkin's Park, just in time for the set up of the Dickinson Festival of Lights.

The bigger and better Festival of Lights that will be open to the public on November 26, 2005.

**ITEM 3.) PUBLIC COMMENTS:** At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, the City Council may not deliberate.

No one spoke at this time.

**ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:**

The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

- A.** Approval of Minutes of the Special Meeting of September 19<sup>th</sup>, 2005.
- B.** Approval of Minutes of the Regular Meeting of September 27, 2005.
- C.** Appointment of Donald Smith, alternate member of Building standards Commission, as a regular of the Building Standards Commission replacing Richard Westerlage.

Motion to approve Consent Agenda was made by Councilmember King. Motion seconded by Councilmember Decker. – **MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS**

**ITEM 5.) DISCUSSION/ACTION:** To approve CITY ORDINANCE NO. 558-2005, AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF SAID CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY GRANTING TO BAYOU COMMUNITY CHURCH, A SPECIFIC USE PERMIT TO ALLOW THE OPERATION, AND MAINTENANCE OF A CHURCH AT 1817 FM 517 EAST LOCATED WITHIN THE CITY IN ZONING DISTRICT GENERAL COMMERCIAL (GC), SAID TRACT BEING LOCATED ON A TRACT OF LAND ON THE NORTHWEST CORNER OF CEDAR DRIVE AND FM 517 EAST IN DICKINSON, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY. (second of three reading)

Motion to approve was made by Councilmember King. Motion was seconded by Councilmember Decker. Councilmember Dunbaugh questioned if staff had time to inquire about the address. Fire Marshall Keith Kiplinger stated that 1817 is the address of only a portion of the property to be used by the church with the Specific Use Permit and there are 3 different addresses at that building. Under the Texas Condominium Act there does not have to be a replat of the lot at this time.

– **MOTION CARRIED**

**AYES:** Suderman, Townsend, Neves, Decker and King

**NOES:** Dunbaugh

## NEW BUSINESS

- ITEM 6.) DISCUSSION/ACTION:** Approval of the City of Dickinson's revised Basic Emergency Management Plan.

Motion to approve was made by Councilmember Dunbaugh with the addition of MI Lewis Services being named as a resource. Motion was seconded by Councilmember King. – **MOTION CARRIED UNANIMOUSLY**

- ITEM 7.) DISCUSSION/ACTION:** RESOLUTION NO. 816-2005, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS APPROVING THE MAYOR TO SIGN AND THE CITY SECRETARY TO ATTEST AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON AND ELLIS ORTEGO TO PROVIDE THE REAPPOINTMENT OF ELLIS ORTEGO AS MUNICIPAL COURT PROSECUTOR; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

Motion to approve was made by Councilmember Townsend. Motion was seconded by Councilmember Neves. – **MOTION CARRIED UNANIMOUSLY**

- ITEM 8.) DISCUSSION/ACTION:** Approve an agreement between Bayou Lakes Public Improvement District No. 1 and McCall, Gibson & Company, PLLC, Certified Public Accountants for the purpose of conducting an audit of construction and related expenses for the infrastructure improvements in PID#1.

Motion to approve was made by Councilmember Dunbaugh. Motion was seconded by Councilmember Decker. – **MOTION CARRIED UNANIMOUSLY**

- ITEM 9.) DISCUSSION/ACTION:** RESOLUTION NO. 817-2005, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS APPROVING THE MAYOR TO SIGN AND THE CITY SECRETARY TO ATTEST THE CALLING FOR LEGISLATIVE REVIEW AND NECESSARY REVISION OF EMERGENCY EVACUATION PROCEDURES AND POLICIES PROMPTED BY HURRICANE RITA IMPACTING THE UPPER TEXAS GULF COAST AND INLAND COMMUNITIES ALONG THE DESIGNATED EVACUATION ROUTES.

Motion to approve was made by Councilmember Decker. Motion was seconded by Councilmember Dunbaugh. After discussion, Councilmember

Decker removed his motion and Councilmember Dunbaugh removed her second. Councilmember Decker made the motion to approve after the grammar and other corrections in the Resolution had been corrected. Motion was seconded by Councilmember Dunbaugh. – **MOTION CARRIED UNANIMOUSLY**

**ITEM 10.) DISCUSSION/ACTION:** Approval of the City's Master Fee Schedule for fiscal year 2005 - 2006.

Motion to approve was made by Councilmember Neves. Motion was seconded by Councilmember Decker. During discussion Community Development Coordinator Angela Forbes presented a handout detailing a cost comparison between the new fee schedule versus the old as it impacted on the fees for construction of a new home. – **MOTION CARRIED**

**AYES:** Suderman, Dunbaugh, Neves, Decker and King

**NOES:** Townsend

**ITEM 11.) DISCUSSION/ACTION:** Approval of the Final Plat for Ponderosa Forest 3, a proposed subdivision on the north side of Sunset Drive, behind Ponderosa Forest apartments.

Motion to approve was made by Councilmember Decker. Motion was seconded by Councilmember Dunbaugh. – **MOTION CARRIED UNANIMOUSLY**

**ITEM 12.) DISCUSS/ACTION:** Approval of ORDINANCE NO. 564-2005 to AMEND CHAPTER 8, ARTICLE V, AUTO WRECKERS, OF ITS CODE OF ORDINANCES MAKING VARIOUS FINDINGS; AMENDING THE DEFINITIONS OF CONSENT TOW, NON-CONSENT TOW, AND POLICE AUTHORIZED TOW; REQUIRING CERTAIN OPERATORS TO HAVE VEHICLE STORAGE FACILITIES WITHIN THE CITY OR WITHIN TWO MILES OF THE CITY; REQUIRING THE FILING OF FEE SCHEDULES FOR NON-CONSENT TOWS; PROVIDING FOR FEES TO BE AMENDED BY RESOLUTION; MAKING OTHER PROVISIONS RELATED THERETO; PROVIDING SAVINGS AND SEVERABILITY PROVISIONS; PROVIDING A PENALTY OF UP TO \$200.00 FOR EACH VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION AND AFFECTIVE DATE HEREOF. (First of Three Readings)

Motion to approve the first reading was made by Councilmember Neves. Motion was seconded by Councilmember King. Discussion followed whether or not to limit non-consent tows to inside the city limits only. The reference to a two mile radius was removed. – **MOTION CARRIED UNANIMOUSLY**

**ITEM 13.) DISCUSS/ACTION:** Approval of the Tow Agreement between the City and tow truck operators desiring to perform police-authorized tows within the city limits.

Motion to approve was made by Councilmember Neves. Motion was seconded by Councilmember Decker. – **MOTION CARRIED UNANIMOUSLY**

**ITEM 14.) DISCUSS/ACTION:** Authorizing staff and First Southwest Company to proceed with preparation of required documents related to the sell of Certificates of Obligation for the construction of a new fire station, improvements to the public works facilities, and acquisition of land for City Hall.

Motion to approve was made by Councilmember King with an amendment to reflect 2<sup>nd</sup> alternative presented by First Southwest being chosen. Motion was seconded by Councilmember Decker. - **MOTION CARRIED UNANIMOUSLY**

**ITEM 15.) DISCUSS/ACTION:** Approval an amendment to the agreement with Crowder-Gulf Joint Venture, Inc. for the removal of Hurricane Rita storm debris.

Motion to approve was made by Councilmember King; seconded by Councilmember Neves. – **MOTION CARRIED UNANIMOUSLY**

**ITEM 16.) EXECUTIVE SESSION:** The City Council will now hold a closed executive meeting pursuant to the provision of chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in Section 551.071, concerning consultation with the City Attorney related to threatened litigation.

Mayor adjourned meeting to an Executive Session at 7:58 p.m.

**ITEM 17.) DISCUSSION/ACTION:** Council reconvened at 8:25 p.m.

No action was taken.

**ITEM 18.) ADJOURNMENT**

Meeting adjourned at 8:30 p.m.

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Julie Masters, Mayor

ATTEST:

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Rena Hardage, City Secretary